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DECISION & ORDER
CITY OF SEQUIM CITY COUNCIL
FOR
HOME DIVISION B PRELIMINARY MAJOR SUBDIVISION
FEBRUARY 28, 2022
SUB19-001

PROPERTY OWNER/APPLICANT: Pointe Construction, LLC (formerly dba Green Crow Investments Company, LLC)
P.O. Box 2439, Port Angeles, WA 98362.

PROJECT LEAD: Bruce Emery, North Pointe Construction, LLC, P.O. Box 2439, Port Angeles, WA 98362.

PLANNER: Tim Woolett, Senior Planner

PROJECT DESCRIPTION: A proposed major preliminary subdivision application to develop 33 single family residential lots on approximately 9.14 acres of property currently zoned "Single Family Residence" (R 4-8). The project would be developed in four phases. Phase B-1: 10 lots, Phase B-2: 11 lots, Phase B-3: 4 lots, and Phase B-4: 8 lots.

PROPERTY LOCATION: South of Comfort Way and Rolling Hills Way, and east of E. Quail Lane and Eastgate Place, Sequim, Washington; and identified as Clallam County Assessor's Parcel No. 033030-590000, all within a portion of Section 30, Township 30 N. Range 3 W., W.M. Clallam County, Washington.

DATE OF HEARING / DECISION: February 14, 2022.

SUMMARY OF DECISION: Approval of the Home Division B Preliminary Major Subdivision, as recommended by the Planning Commission and as conditioned below. The applicant has provided convincing evidence in accordance with SMC 20.01.030(D) that supports approval of this project.

FINDINGS:

Finding #1: In accordance with the procedural requirements for the Type C-2 process, the City Council held a duly noticed open record public hearing on February 14, 2022, where the City Council heard staff's presentation, (including the Planning Commissions recommendation of approval), remarks from the applicant, testimony from the public, and the City Engineer. The City Council took public testimony and reviewed and considered the entire record before rendering its decision.

Finding #2: The City Council considered all staff testimony, applicant testimony, and public testimony, both written and oral, the staff report and exhibits listed therein, and all associated email and other written correspondence, which are hereby incorporated into the project record by reference.

Finding #3: The project was duly noticed, per the Sequim Municipal Code (SMC) by posting the property, publishing in the Peninsula Daily News, and mailing notice to property owners within 300 feet of the project area.

Finding #4: The project is located in the “Single Family Residential” (R 4-8) zone, which is consistent with the Comprehensive Plan’s “Single Family Residential” (SFR) designation for the site.

Finding #5: Zoning in the vicinity of the subject property consists of residential zoned lots in both incorporated and unincorporated areas.

Finding #6: The project, as designed, meets the City’s Single Family residential (R 4-8) zone’s 5,400 square minimum and 14,500 square foot maximum lot size requirements, the four units per net acre minimum residential density requirements, and the proposed lots will be capable of being developed to the Development Standards contained in SMC 18.20.050.

Finding #7: As proposed, the overall net residential density will be approximately 5.12 units per acre.

Finding #8: The proposal includes plans to build or bond the construction of all required infrastructure, including, but not limited to streets, storm drainage, sanitary sewer and water lines, and the project has provided for the necessary utility easements and the dedication of streets and other infrastructure to the City upon recording the plat.

Finding #9: The project was subject to review under the State Environmental Policy Act (SEPA) and was issued a Mitigated Determination of Non-significance (MDNS).

Finding #10: The project is consistent with the City of Sequim Comprehensive Plan policies, including:

- LU goal 3.2: Low-density Residential: Maintain Sequim’s “friendly, small-town” qualities by fostering the growth of low-density, single-family neighborhoods that are social, walkable, and safe.
- LU Policy 3.2.3: Allow a range of lot sizes in low-density neighborhoods to meet the lifestyle interests of citizens while still maintaining minimum densities to keep Sequim’s future both social and affordable.
- LU 3.4.5: Friendly, Safe Neighborhood Streets - In all new residential subdivisions, create local access streets that enhance neighborhood friendliness, safety, and visual quality
- TR 4.4.3: Good Sidewalks - Apply minimum standards of safety and comfort in the design of all new sidewalks to promote walking as alternative transportation, as good for personal health, and as a place of friendly encounters.
- CFG Goal 5.1: Community Expectations - Meet community quality-of-life expectations by institutionalizing the connections among citizens’ desires, adopted levels of service, and city capital budgeting.
- H Goal 6.1: Housing for a Diverse Community - Increase the number of housing options and opportunities to meet the needs of a diverse, growing community.

- H GOAL 6.4.3: Residential Land Supply for All Needs - Ensure availability of lands for residential development, including facilities to meet special housing needs throughout the City.

CONCLUSIONS:

- Conclusion #1: The proposed project is to develop 33 residential lots on approximately 9.14 acres of property currently zoned "Single Family Residential" (R 4-8). The project would be developed in four phases. Phase B-1: 10 lots, Phase B-2: 11 lots, Phase B-3: 4 lots, and Phase B-4: 8 lots.
- Conclusion #2: This application for Preliminary Subdivision approval has been reviewed for consistency with the City of Sequim's criteria for preliminary subdivision approval in SMC 17.20.040.
- Conclusion #3: This application for preliminary subdivision approval has been reviewed as a Type C-2 permit in accordance with SMC 20.02.100 (Type B and Type C-1 and C-2 procedures – Quasi-judicial decisions – Process overview). A Type C-2 process is quasi-judicial and requires a public hearing with the City Council as the decision-making body.
- Conclusion #4: Public Notice was issued in accordance with the notice requirements of Chapter 20.01.140 SMC.
- Conclusion #5: All comments received in response to the notice of application were duly considered.
- Conclusion #6: As conditioned, the Home Division B Preliminary Major Subdivision meets the requirements of SMC, Chapter 18 (Zoning), including bulk and dimensional requirements. Setbacks, lot coverage, building height, and other bulk and dimensional requirements will be further reviewed at the time of individual building permit applications for future homes and commercial structures.
- Conclusion #7: Potential environmental impacts have been adequately mitigated through the applicable provisions of the Sequim Municipal Code and the Conditions imposed by the MDNS issued November 8, 2019.
- Conclusion #8: The Home Division B Preliminary Major Subdivision, as conditioned, meets the approval requirements of SMC 17.20.040 (subdivisions).
- Conclusion #9: The Home Division B Preliminary Major Subdivision, as conditioned, is consistent with the City's Comprehensive Land Use Plan; **THEREFORE,**

DECISION & ORDER

The application for the Home Division B Preliminary Major Subdivision (SUB19-001) is **APPROVED**, subject to the **CONDITIONS OF APPROVAL** and **MITIGATION MEASURES** as set forth in the following attachment.

SO ORDERED, this _____ day of February 2022. _____
Tom Ferrell, Mayor

Attest:

Approved as to form:

Charisse Deschenes, Acting City Clerk

Kristina Nelson-Gross, City Attorney

HOME DIVISION B PRELIMINARY MAJOR SUBDIVISION
PLANNING FILE SUB19-001
SEPA MITIGATION AND CONDITIONS OF APPROVAL

1. WATER QUALITY

All site construction shall be conducted in compliance with the 2012 WSDOE Stormwater Manual for Western Washington, as amended in 2014.

Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or storm drains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants. Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

The following construction activities require coverage under the Construction Stormwater General Permit:

1. Clearing, grading and/or excavation that results in the disturbance of one or more acres and discharges stormwater to surface waters of the State; and
2. Clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more and discharge stormwater to surface waters of the State. This includes forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, and discharge to surface waters of the State; and
3. Any site construction activity discharging stormwater to waters of the State that Ecology:
 - a) Determines to be a significant contributor of pollutants to waters of the State of Washington.
 - b) Reasonably expects to cause a violation of any water quality standard.

If contamination is suspected, discovered, or occurs during the proposed SEPA action, testing of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily apparent, or is revealed by testing, Ecology must be notified. Contact the Environmental Report Tracking System Coordinator for the Southwest Regional Office (SWRO) at (360) 407-6300. For assistance and information about subsequent cleanup and to identify the type of testing that will be required, contact Matthew Morris with the SWRO, Toxics Cleanup Program at (360) 407-7529.

If there are known soil/ground water contaminants present on-site, additional information (including, but not limited to: temporary erosion and sediment control plans; stormwater pollution prevention plan; list of known contaminants with concentrations and depths found; a site map depicting the sample location(s); and additional studies/reports regarding contaminant(s)) will be required to be submitted.

You may apply online or obtain an application from Ecology's website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/> - Application. Construction site operators must apply for a permit at least 60 days prior to discharging stormwater from construction activities and must submit it on or before the date of the first public notice.

2. AIR

Potential air impacts shall be mitigated by watering the site as necessary, utilizing dust suppression options and techniques described in the WA Department of Ecology publication # 96-433, 2016.

3. ENVIRONMENTAL HEALTH-NOISE

To mitigate the potential for noise impacts to surrounding properties, construction activities through complete buildout of this proposed development shall be limited from 7:30 am to 7:00 pm Monday through Saturday.

4. ANIMALS

It shall be the responsibility of the applicant to take all necessary steps to prevent the incidental taking of protected species under the Endangered Species Act through habitat modification or degradation during the life of the project or development authorized by this permit or approval. The applicant shall notify the City through Its Public Works Director or designee and the Federal Agencies with responsibility for enforcement of the Endangered Species Act immediately, in the event of damage or degradation to Endangered Species habitat by or from the project or the development subject to this permit or approval. In any such case, the applicant shall, at its sole cost and expense, take all action necessary to prevent the furtherance of the damage or degradation and to restore the habitat as required by the Federal, State, and local agencies with jurisdiction.

5. HISTORICAL AND CULTURAL RESOURCES

In response to Washington Department of Archaeology & Historic Preservation (DAHP) comments, the proponent shall work with the DAHP in performing an archaeological survey. While there are currently no known archaeological resources on this site, in the event archaeological artifacts are uncovered during construction, activity shall be halted immediately, and the State Historic Preservation Office and local Tribes shall be contacted. The applicant shall follow the applicable sections of the *Inadvertent Archaeological and Historic Resources Discovery Plan for Sequim, WA* (Copy available at the City of Sequim Department of Community Development).

6. TRANSPORTATION

Prior to final subdivision approval, the applicant shall submit final construction plans for review and approval by the City of Sequim Public Works Department. In accordance with SMC 17.20.040, the plans shall demonstrate to the satisfaction of the City engineer, that curb, gutter, sidewalk, trail connections, transit stops, streets, storm drainage, sanitary sewer lines, water lines and other utilities as required, will be installed at the expense of the applicant and meet city specifications and applicable ordinances.

DEPARTMENT OF COMMUNITY DEVELOPMENT CONDITIONS OF APPROVAL

1. Within five years following approval of a preliminary major subdivision, or as otherwise stipulated in RCW 58.17.140, a final plat shall be submitted to the City for review and approval. Two, one-year extensions may be granted by the City Council.
2. The development of the site shall be in substantial conformance with the revised Preliminary Plat drawings received June 2, 2021 (as conditioned, herein) and attached as [Exhibit 2], and the SEPA Mitigation Conditions of Approval as approved by the Sequim City Council.
3. Until such time as Phase 2 develops the development of Phase 1 shall be limited to no more than nine lots with the proposed single point of access. Should the applicant provide two points of access or a combined access pursuant to SMC 17.32.110, ten lots within Phase 1 would be allowed.
4. Prior to final plat approval of Phase 2, the connection to Rolling Hills Way is required in order to satisfy SMC 17.32.110.
5. All lots shall be between 5400 and 14,500 square feet in area on the final plat.
6. Development of the lots shall comply with SMC 18.20.050, or as subsequently amended, for setbacks, building lot coverage, and building height.
7. A final plat must be approved by the City prior to recording. An electronic version of the final plat shall be submitted to the City of Sequim DCD.
8. After recordation of the final map with the Clallam County Auditor, one copy of the recorded final plat shall be provided to the City of Sequim's Department of Community Development.
9. The responsibility for the maintenance and operation of any common facilities including, but not limited to private drainage facilities, private open space, parks, and landscape areas/buffers, shall be determined prior to final plat approval. Said facilities may be maintained and operated by the land divider, a lot owners' association, a public agency or a private agency consistent with applicable state requirements. Any maintenance obligations shall be noted on the final plat.
10. If said common facilities are to be owned and managed by a lot owners' association, said lot owner's association shall be established prior to final approval. The association is responsible for operating and maintaining all common facilities that have been dedicated or deeded to it by the land divider. The by-laws of the association shall authorize, at a minimum, the following responsibilities and authorities:
 - To enforce covenants and conditions required by Title 17 SMC, or in the lot owner's association.
 - To levy and collect assessments against all lots to adequately accomplish the association's responsibilities.
 - To collect money from unit owners to finance future improvements.
 - To collect delinquent assessments through the courts, including money to pay for the costs of court action.

- To enter into contracts to build, maintain and manage common facilities required by the Sequim Municipal Code.
 - To allow amendments to the by-laws for improvements required by Title 17 SMC which may or may not require a plat alteration to be submitted, approved and finalized in accordance with Title 17 SMC.
11. If a Homeowners Association is formed, the final plat shall include a statement which requires indefinite existence of the association and automatic membership in the association upon assumption of ownership of a lot within the plat. The Association by-laws shall be submitted and approved by the City prior to final plat approval. The by-laws required for this section shall be separate from any by-laws or private covenants established by the subdivider. Any private covenants or restrictions proposed by the subdivider shall not be included with any requirements set forth by the Sequim Municipal Code.
 12. The CC&Rs document will be provided with the final plat submittal. The City's review and approval of the CC&Rs document does not mean the City will assume any responsibility for enforcing private covenants between the lot owners nor maintaining any roads or other amenities not specifically dedicated to the City on the public's behalf.
 13. The applicant shall coordinate with the U.S. Postal service for the provision of mailboxes.
 14. A final landscaping plan shall be submitted with the final plat application. The plan shall address required street trees, right-of-way landscaping and any other areas in common ownership of the homeowners. The final landscape plan is subject to review and approval by the City's Department of Community Development and the Public Works and Engineering Departments.
 15. Reasonable landscaping should be provided at the site entrances, in public areas, and adjacent to buildings. The type and amount of landscaping shall be allowed to vary consistent with the type of development and the requirements of the zoning district.
 16. Landscaping materials shall be those which best serve the intended function, and shall be appropriate for the soil and other environmental conditions of the site. Drought-tolerant, low water plant materials shall be encouraged.
 17. Maintenance of all landscape areas shall comply with Section 18.22 of the SMC.
 18. Any onsite wells or septic systems shall be removed/decommissioned in each phase in accordance with the requirements of the Clallam County Health District, prior to approval and recording of the final plat for each phase.
 19. All fire hydrants must have two (2) 2-1/2" NST ports and one (1) 5" Storz fitting steamer port.
 20. Any future signage will require separate review by the Department of Community Development, at which time it will be reviewed for compliance with the city's sign regulations.
 21. All mitigation measures in the Final MDNS shall be conditions for the Home B Preliminary Major Subdivision (SUB19-001).

22. All proposed single-family residential building permits shall satisfy the standards for Site Design Class D at a minimum.
23. Bonding in accordance with SMC 17.64.010 A. shall be posted to ensure completion of any improvements required under this approval, but not yet installed or provided.
24. The proponent shall satisfy any conditions set forth by the Jamestown S’Klallam Tribe, Department of Archeology and Historic Preservation, and the Department of Ecology in their comments provided in response to notice of this proposal.
25. Prior to any site disturbance or improvements, the extent of the toe of the geological hazard area and its required buffer must be contained in a separate critical area tract. The extent of the critical area will be verified by an independent third-party reviewer hired by the City of Sequim.
26. The buffer from the toe of the landslide hazard area must be a minimum of 30 feet; provided that, the buffer may be reduced to not less than 25 feet provided that a geotechnical analysis supports that such a variation will be adequate to provide protection of any proposed lots.
27. All critical areas and their associated buffers shall be established as a separate critical area tract or tracts containing the areas determined to be critical area and/or critical area buffer.
28. Unless otherwise waived or modified by the City Engineer, the proponent shall satisfy the conditions set forth by the Public Works Department in their comments dated January 13, 2022 (Exhibit 7.e.), as modified through the final plat submittal and site construction plan process as follows:

PUBLIC WORKS/ENGINEERING DEPARTMENT CONDITIONS

(Cited comments are provided in Exhibit 7.e)

The following Conditions must be satisfactorily addressed in the Site Construction Permit application process before Public Works can recommend approval of the Site Construction Permit Application:

Plan Submittal:

1. The applicant may be required to provide a Stream and Wetland Assessment by a qualified professional specializing in wetlands and aquatic habitat per SMC 18.80.060 if evidence of regulated streams or wetlands are discovered on or within close proximity of the subject property. This matter must be resolved to the satisfaction of the DCD Director prior to issuance of any site development permits or land disturbing activities.
2. Provide an approved Critical Area Special Study by a qualified professional specializing in critical areas or related per SMC 18.80.060.
3. In accordance with Section 13.104, SMC, the applicant shall provide a Stormwater Design/Plan meeting the requirements of the 2012 (amended 2014) Edition of the Stormwater Management Manual for Western Washington (Department of Ecology).
4. Identify the Landslide Hazard Areas, landslide hazard area buffer tract as well as setbacks for any structures per SMC 18.80.060 and 18.80.030.
5. Provide an approved Traffic Impact Analysis.

Geotechnical:

6. Provide delineation of landslide hazard zone area, buffer tracts and setbacks consistent with SMC18.80.030.

Plans:

7. Relocate Driveways outside of Water Main Easement.
8. Show the Highland Irrigation Ditch as required by RCW 58.17.310. Provide documentation from Highland Irrigation District showing coordination and approval of submitted plans.

Phasing:

9. Provide a phasing plan showing each phase of the development will be up to city standards as stand-alone developments. SMC 17.26.030 (A)

Stormwater:

10. Specify how individual lot stormwater will be infiltrated on site for each lot. SMC 13.104
11. Provide ownership information and an Operation and Maintenance agreement for the existing 24" Stormwater Catchment System on SE property line.
12. Provide details, grading, and a cross section for the proposed swale adjacent the east boundary.
13. A maintenance easement shall be established for the 24" Diameter stormwater system culvert along the east boundary of the subject property Both storm easements AFN#2007-1206711 and AFN#2004-1139552 will be referenced on the Final Plat.

Water:

14. The applicant shall provide a water main connection to the City of Sequim's 480 reservoir. While an 8" diameter main is the minimum size per City Code necessary to serve the proposed subdivision, the future build-out of the broader service area will require a larger main size. The City is open to a Cost Sharing Agreement for the upsize of the water main beyond the 8" line and a Latecomers Agreement for undeveloped portions of the service area. The new water main connection will be required at the completion of the phase of the development for which analysis shows that the existing water system will no longer be sufficient to provide service at Department of Health and City of Sequim minimum standards for pressure and flow to the service area.
15. A connection is not allowed to the existing 24" Diameter Transmission Water Main that traverses the south end of the development. This water is considered untreated and is not suitable for domestic use without further treatment at the Reservoir Rd water treatment facility.
16. Fire Hydrant spacing shall be in accordance with the 2015 International Fire Code (IFC), Appendix C.

Third Party Review

17. The sewer, water, and stormwater designs; Geotechnical report, Critical area study, Traffic Impact Analysis and possibly other elements of the submitted site construction permit application will be reviewed by a third party (peer) engineering entity for compliance with city codes and standards and impact upon the city's overall utility system from a capacity and life safety standpoint. The cost of this service will be payable by the developer. The city will seek authorization from the developer and collect a deposit before directing the third party to perform the reviews.
19. All plans submitted for final approval shall be titled:

CITY OF SEQUIM, MAJOR PRELIMINARY SUBDIVISION (SUB 19-001)

FOR:

Home Division B

IN SECTION 30, TOWNSHIP 30 NORTH, RANGE 3 WEST, W.M.

CITY OF SEQUIM, CLALLAM COUNTY

The City maintains the authority to reasonably amend any conditions to ensure that all improvements serve to achieve consistency with the Sequim Capital Improvement Program.